

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE MAY 3, 2005

AMENDED IN SENATE APRIL 20, 2005

AMENDED IN SENATE MARCH 29, 2005

## SENATE BILL

**No. 151**

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**Introduced by Senator Soto  
(Coauthor: Senator Vincent)**

(Coauthors: Assembly Members DeVore, Shirley Horton, and Spitzer)

February 7, 2005

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An act to amend Section 92 of the Penal Code, relating to bribery.

### LEGISLATIVE COUNSEL'S DIGEST

SB 151, as amended, Soto. Judicial officers: bribery.

Existing law prohibits giving or offering a bribe to any judicial officer or any person authorized to hear or determine any question or controversy, with the intent to influence the decision.

This bill would prohibit a defendant or plaintiff with a matter before a judicial officer, from ~~corruptly~~ influencing that judicial officer; *through the making of a threat*, as specified, ~~in his or her decision~~. ~~The bill would not include attorneys and pro se litigants who are engaged in routine communications with the judicial officer in the regular course of proceedings.~~ By expanding the scope of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 92 of the Penal Code is amended to  
2 read:

3 92. (a) Every person who gives or offers to give a bribe to  
4 any judicial officer, juror, referee, arbitrator, or umpire, or to any  
5 person who may be authorized by law to hear or determine any  
6 question or controversy, with intent to influence his or her vote,  
7 opinion, or decision upon any matter or question which is or may  
8 be brought before him or her for decision, is punishable by  
9 imprisonment in the state prison for two, three or four years.

10 (b) *(1) Any defendant or plaintiff, appearing before any*  
11 *judicial officer authorized by law to hear or determine any*  
12 *question or controversy involving that defendant or plaintiff, who*  
13 ~~corruptly attempts to influence that judicial officer is punishable~~  
14 ~~by a fine of not more than ten thousand dollars (\$10,000), or by~~  
15 ~~imprisonment in the state prison, if it is by any of the following~~  
16 ~~means:~~

17 ~~(1) Any threat, intimidation, persuasion, or entreaty.~~

18 ~~(2) Any promise or assurance of any pecuniary or other~~  
19 ~~advantage.~~

20 ~~(c) Nothing in subdivision (b) shall be construed to limit an~~  
21 ~~attorney or pro se litigant in the routine course of his or her~~  
22 ~~representation or presentation of any question or controversy in~~  
23 ~~the regular course of proceedings.~~ *through the making of a threat*  
24 *to cause serious bodily injury, harm, or death to the judicial*  
25 *officer, his or her immediate family, his or her staff, or the*  
26 *immediate family of his or her staff, is punishable by a fine of not*  
27 *more than ten thousand dollars (\$10,000), or by imprisonment in*  
28 *the state prison.*

29 *(2) For purposes of this subdivision, a statement is a threat*  
30 *where the person making the statement specifically intends that*  
31 *the statement be taken as a threat and the person has the*  
32 *apparent ability to carry out the threat.*

1     SEC. 2. No reimbursement is required by this act pursuant to  
2     Section 6 of Article XIII B of the California Constitution because  
3     the only costs that may be incurred by a local agency or school  
4     district will be incurred because this act creates a new crime or  
5     infraction, eliminates a crime or infraction, or changes the  
6     penalty for a crime or infraction, within the meaning of Section  
7     17556 of the Government Code, or changes the definition of a  
8     crime within the meaning of Section 6 of Article XIII B of the  
9     California Constitution.

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